

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Glenn Maddox,  
Plaintiff,

v.

Alpha Recovery Corp, and  
Kathy Kimble,  
Defendants.

**COMPLAINT AND  
DEMAND FOR A JURY TRIAL**

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**INTRODUCTION**

1. This is an action for damages brought by Glenn Maddox against Alpha Recovery Corp and Kathy Kimble for their violations of the Fair Debt Collection Practices Act (“FDCPA”).

**JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §§ 1331 and 1337.

3. Venue in this district is proper because the relevant acts and transactions occurred within Minnesota, Plaintiff resides within Minnesota and Defendants transact business within Minnesota.

**PARTIES**

4. Plaintiff, Glenn Maddox, is a natural person who resides in the City of Minneapolis, County of Hennepin, and State of Minnesota. He is a “consumer” or a “person” affected by a violation of the FDCPA, as those terms are defined by 15 U.S.C. §§ 1692a(3) and 1692k.

5. Defendant, Alpha Recovery Corp (“Alpha” or “Defendant Alpha”), is a Colorado corporation engaged in the business of collecting debts in Minnesota. Defendant Alpha’s principal place of business is located at 5660 Greenwood Plaza Boulevard, Suite 101N, Greenwood Village, Colorado 80111. Defendant Accretive is a “debt collector” as that term is defined under 15 U.S.C. 1692(a)(6).

6. Defendant, Kathy Kimble, (“Defendant Kimble”) is a natural person employed by Alpha Recovery Corp as a debt collector at all times relevant to this Complaint. Defendant Kimble is a “debt collector” as that term is defined by 15 U.S.C. 1692a(6).

### **FACTS**

7. Sometime prior to October 2011, Plaintiff incurred a financial obligation (“the debt”). The debt was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).

8. Upon information and belief, on or around October 1, 2011, the debt was cosigned, placed or otherwise transferred to Defendants for collection.

9. On October 26, 2011, at 4:52 p.m., Defendant Kimble telephoned Plaintiff’s cell phone and left the following message: “Hi. Good afternoon, Glenn Maddox. My name is Kathy Kimble and I’m calling you today from Alpha Recovery Corp. Glenn, I do need you to extend the courtesy, sir, to return my phone call when you get this message, concerning file number 187053. I can be reached at 720-509-2116. Thank you.”

10. Defendant Kimble failed to identify herself as a debt collector in the October 26, 2011, voicemail message that she left for Plaintiff, as required by 15 U.S.C. §1692e(11).

**RESPONDEAT SUPERIOR**

11. The acts and omissions of this individual Defendant, and other debt collectors employed as agents by Defendant Alpha, were committed within the time and space limits of their agency relationship with their principal, Defendant Alpha.

12. The acts and omissions of Defendant Kimble, and other debt collectors employed by Defendant Alpha, were incidental to, or of the same general nature as, the responsibilities these agents were authorized to perform by Defendant Alpha in collecting consumer debts.

13. By committing these acts and omissions against Plaintiff, Defendant Kimble and these other debt collectors were motivated to benefit their principals, Defendant Alpha.

14. Defendant Alpha is therefore liable to Plaintiff through the Doctrine of Respondeat Superior for the intentional and negligent acts, errors, and omissions done in violation of federal law by its collection employees, including but not limited to violations of the FDCPA, in their attempts to collect this debt from Plaintiff.

**CAUSES OF ACTION**  
**Violations of the Fair Debt Collections Practices Act**  
**15 U.S.C. § 1692**

15. Plaintiff repeats and incorporates by reference paragraphs 1 - 14.

16. Defendants violated the FDCPA, 15 U.S.C. § 1692, in their attempts to

collect the debt from Plaintiff. Defendants' violations include, but are not limited to, the violations described in Paragraphs 7 – 11 of this complaint.

17. Defendant Kimble violated 15 U.S.C. §§ 1692d, 1692d(6), 1692e and 1692e(11) by leaving a message on Plaintiff's voicemail on October 26, 2011, that did not meaningfully disclose her identity and failed to disclose that the message was from a debt collector.

### **PRAYER FOR RELIEF**

**THEREFORE**, Plaintiff Glenn Maddox respectfully requests that judgment be entered against Defendants for the following:

### **COUNT I. Violations of the Fair Debt Collection Practices Act**

1. For an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendants;
2. For an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each Defendant;
3. For an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendants;
4. For such other and further relief as may be just and proper.

Respectfully Submitted,

**HEANEY LAW FIRM, LLC**

Date: **10/31/2011**

**s/ Mark L. Heaney**  
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